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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

Office Action Summary

Application No.

10/543,172

Applicant(s)

KII ET AL.

Examiner

Bai D. Vu

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant has amended claims 1-14, and added new claims 15-18 in the amendment filed on 03/24/2008.

Claims 1-18 are pending in this Office Action.

Response to Arguments

2. Applicant's arguments filed on 03/24/2008 with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the 35 U.S.C. §102(e):

- Applicant argued that Ogihara et al. (US Pub No. 2004/0117547 A1) does not disclose amended limitation "a contents area configured to record a contents file, the contents file including contents data and supplementary data corresponding to said contents data".

In response to applicant's argument, examiner respectfully disagrees because Ogihara et al. discloses as cited herein *FIG. 6 shows presence of a total of 14 audio data files in correspondence with the fact that 14 tracks corresponding to 14 musical pieces are recorded on the CD-DA. Each of the 14 audio data files corresponds to the entity of audio data in a unit of a track recorded on the CD-DA (§ 0153)* wherein the audio data file interpreted as content file; and *each of the audio data files is*

provided with a file name corresponding to a track number recorded on the CD-DA, such as a file name of track01.cda to track14.cda, for example. List items of the audio data files show data size as an attribute. Hence, the file name and the data size of each audio data file are known by referring to the list item of the audio data file (§ 0155) wherein the file name and the data size of the audio data file clearly encompasses the supplementary data corresponding to said contents data.

- Applicant has amended limitations "wherein a reproducing apparatus having an insufficient memory capacity accesses said supplementary data included in the contents file, and a reproducing apparatus having a sufficient memory capacity accesses said supplementary data included in said database file" as recited in claim 1.

In response applicant amendments, examiner respectfully rejects this claimed limitation in a new ground of rejection in this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claim1** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed limitation “a reproducing apparatus having an insufficient memory capacity accesses said supplementary data included in the contents file” in claim 1, contain subject matter which was not described in the instant specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 2 and 4-18** are rejected under 35 U.S.C. 103(a) unpatentable over Ogihara et al. (US Pub. No. 2004/0117547 A1) in view of Fukuda (US Pat. No. 6,469,239 B1).

As per **claim 1**, Ogihara et al. discloses “a computer-readable storage medium, comprising:”

“a contents area configured to record a contents file, the contents file including contents data and supplementary data corresponding to said contents data;” as cited herein *FIG. 6 shows presence of a total of 14 audio data files in correspondence with*

the fact that 14 tracks corresponding to 14 musical pieces are recorded on the CD-DA. Each of the 14 audio data files corresponds to the entity of audio data in a unit of a track recorded on the CD-DA (§ 0153) wherein the audio data file interpreted as contents file; and each of the audio data files is provided with a file name corresponding to a track number recorded on the CD-DA, such as a file name of track01.cda to track14.cda, for example. List items of the audio data files show data size as an attribute. Hence, the file name and the data size of each audio data file are known by referring to the list item of the audio data file (§ 0155) wherein the file name and the data size of the audio data file clearly encompasses the supplementary data corresponding to said contents data.

"a database area configured to record a database file, the database file including said supplementary data corresponding to said contents data," as cited herein as shown in FIG. 7, the contents of the disk/track information file (disc.inf) are roughly divided into disk information and track information. The disk information is an area for storing information on the data as a whole recorded on the CD-DA. In the area, ftno or information indicating a first track number and ltno or information indicating a last track number are stored, each having a predetermined data size (§ 0160 – 0161); the track information is an area for storing required additional information on each audio track file. The directory information shown in FIG. 6 is related to the CD-DA having 14 tracks recorded thereon, and there are 14 files track01.cda to track14.cda present as audio data files. The track information shown in FIG. 7 correspondingly includes information of each of track01 to track14. Information of each audio data file corresponding to each track as the track information includes information of emp, data, nocopyright, and

audio_ch, as shown in FIG. 7, for example (¶ 0169 – 0170) wherein the disk/track information file (disc.inf) interpreted as database file; and the disk /track information clearly encompasses supplementary data corresponding to contents data; and thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (¶ 0184).

“a reproducing apparatus having a sufficient memory capacity accesses said supplementary data included in said database file” as cited herein the data reproduced by the disk drive 19 can also be subjected to required file encode processing by the CPU 11 and then stored in the HDD 21 as an audio data file. That is, an audio data file obtained by so-called ripping can be stored (¶ 0048); and at the step S102, a disk/track information file (disc.inf) is read from the files mounted by the audio CD file system 213 as shown in FIG. 6 (¶ 0195) wherein the hard disk drive HDD 21 clearly encompasses a sufficient memory capacity.

Ogihara et al. does not explicitly disclose “a reproducing apparatus having an insufficient memory capacity accesses said supplementary data included in the contents file”. However, Fukuda discloses as cited herein *when it is determined in step S41 that there is a moving request of the compression music data, a file size of the compression music data whose move has been designated, namely, a data amount is examined by, for example, the CPU 8 on the server 50 side in step S42. In next step S43, a vacant capacity of the HDD 106, namely, a recordable memory capacity is checked by, for*

example, the CPU 105 of the portable recording and reproducing apparatus 70. The vacant capacity of the HDD 106 and the file size of the compression music data whose move has been designated and which was examined in step S42 are compared by, for instance, the CPU 8 of the server 50. On the basis of a comparison result in step S42, the CPU 8 discriminates whether the compression music data in which the move has been designated can be recorded to the HDD 106. If it can be recorded to the HDD 106, the processing routine advances to step S45 and the transfer of the compression music data in which the move from the server 50 toward the apparatus 70 has been designated is started. When it is determined in step S43 that the vacant capacity in the HDD 106 of the portable recording and reproducing apparatus 70 is insufficient, the processing routine advances to step S44. In step S44, the compression music data which has already been recorded to the HDD 106 is deleted automatically or on the basis of a procedure or method, which will be explained hereinafter, by the CPU 105 of the apparatus 70 so that the compression music data whose move has been designated can be recorded to the HDD 106. The processing routine advances to step S45 (col. 17 line 66 to col. 18 line 27) wherein a file size of the compression music data interpreted as a supplementary data included in the contents file.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Fukuda teaching of performing a copy of data or an operation similar to the copy into Ogihara et al. system in order to perform digital move and copy of digital music data to another recording medium while protecting the copyright (Fukuda, col. 1 lines 58-60).

As per claim 2, Ogiwara et al. discloses "the computer-readable storage medium according to claim 1, wherein a data size of said supplementary data included in said contents file and the data size of the supplementary data included in said database file are prescribed to maintain the identity of said supplementary data included in said contents file and the supplementary data included in said database file" as cited herein

FIG. 6 shows presence of a total of 14 audio data files in correspondence with the fact that 14 tracks corresponding to 14 musical pieces are recorded on the CD-DA. Each of the 14 audio data files corresponds to the entity of audio data in a unit of a track recorded on the CD-DA (§ 0153) wherein the audio data file interpreted as contents file; and each of the audio data files is provided with a file name corresponding to a track number recorded on the CD-DA, such as a file name of track01.cda to track14.cda, for example. List items of the audio data files show data size as an attribute. Hence, the file name and the data size of each audio data file are known by referring to the list item of the audio data file (§ 0155) wherein the file name and the data size of the audio data file clearly encompasses the supplementary data included in contents files; and necessary information as the attribute information related to the CD-DA is data size of tracks indicated as an attribute within a list of files as the tracks and information stored in a disk/track information file (disc.inf) as will be described later with reference to FIG. 6. These pieces of information can be generated on the basis of contents of the TOC recorded on the CD-DA. Thus, by issuing the command CD-ROM read toc, obtaining the TOC, and knowing the contents of the TOC, the audio CD file system 213 obtains

information on the number of files or tracks, data size of each track, and attributes, for example, and is consequently able to generate and obtain attribute information including these pieces of information (§ 0107) wherein the data size of tracks stored in a disk/track information file (disc.inf) interpreted as the supplementary data included in database file.

As per **claim 4**, Ogihara et al. discloses "the computer-readable storage medium according to claim 1 wherein said computer-readable storage medium is a disc-shaped recording medium on which recording is made by a recording head" as cited herein *a disk drive 19 in this case is a so-called CD-ROM drive. The disk drive 19 has an optical head, a spindle motor, a reproduced signal processing unit, a servo circuit, and the like. The disk drive 19 can read data from a disk medium conforming to a CD format. That is, the disk drive 19 can read data from a CD-ROM, a CD-DA, and the like (§ 0043).*

As per **claim 5**, Ogihara et al. discloses "a recording method, comprising"
"recording, on a predetermined recording medium, a contents file including contents data and supplementary data corresponding to said contents data; and" as cited herein *FIG. 6 shows presence of a total of 14 audio data files in correspondence with the fact that 14 tracks corresponding to 14 musical pieces are recorded on the CD-DA. Each of the 14 audio data files corresponds to the entity of audio data in a unit of a track recorded on the CD-DA (§ 0153) wherein the audio data file interpreted as contents file; and each of the audio data files is provided with a file name corresponding to a track number recorded on the CD-DA, such as a file name of track01.cda to*

track14.cda, for example. List items of the audio data files show data size as an attribute. Hence, the file name and the data size of each audio data file are known by referring to the list item of the audio data file (§ 0155) wherein the file name and the data size of the audio data file clearly encompasses the supplementary data corresponding to said contents data.

"recording, on said predetermined recording medium, a database file including said supplementary data corresponding to said contents data" as cited herein as shown in FIG. 7, the contents of the disk/track information file (disc.inf) are roughly divided into disk information and track information. The disk information is an area for storing information on the data as a whole recorded on the CD-DA. In the area, ftno or information indicating a first track number and ltno or information indicating a last track number are stored, each having a predetermined data size (§ 0160 – 0161); the track information is an area for storing required additional information on each audio track file. The directory information shown in FIG. 6 is related to the CD-DA having 14 tracks recorded thereon, and there are 14 files track01.cda to track14.cda present as audio data files. The track information shown in FIG. 7 correspondingly includes information of each of track01 to track14. Information of each audio data file corresponding to each track as the track information includes information of emp, data, nocopyright, and audio_ch, as shown in FIG. 7, for example (§ 0169 – 0170) wherein the disk/track information file (disc.inf) interpreted as database file; and the disk /track information clearly encompasses supplementary data corresponding to contents data; and thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100

side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (§ 0184).

As per **claim 6**, Ogihara et al. discloses "a recording apparatus, comprising:

"recording means for recording, on a predetermined recording medium, a contents file and a database file," as cited herein *FIG. 6* wherein the audio data file interpreted as a contents file; and the disk/track information file (disc.inf) interpreted as a database file.

"said contents file including contents data and supplementary data corresponding to said contents data, and" as cited herein *FIG. 6* shows presence of a total of 14 audio data files in correspondence with the fact that 14 tracks corresponding to 14 musical pieces are recorded on the CD-DA. Each of the 14 audio data files corresponds to the entity of audio data in a unit of a track recorded on the CD-DA (§ 0153) wherein the audio data file interpreted as contents file; and each of the audio data files is provided with a file name corresponding to a track number recorded on the CD-DA, such as a file name of track01.cda to track14.cda, for example. List items of the audio data files show data size as an attribute. Hence, the file name and the data size of each audio data file are known by referring to the list item of the audio data file (§ 0155) wherein the file name and the data size of the audio data file clearly encompasses the supplementary data corresponding to said contents data.

"said database file including said supplementary data corresponding to said contents data" as cited herein as shown in FIG. 7, the contents of the disk/track information file (disc.inf) are roughly divided into disk information and track information. The disk information is an area for storing information on the data as a whole recorded on the CD-DA. In the area, ftno or information indicating a first track number and ltno or information indicating a last track number are stored, each having a predetermined data size (§ 0160 – 0161); the track information is an area for storing required additional information on each audio track file. The directory information shown in FIG. 6 is related to the CD-DA having 14 tracks recorded thereon, and there are 14 files track01.cda to track14.cda present as audio data files. The track information shown in FIG. 7 correspondingly includes information of each of track01 to track14. Information of each audio data file corresponding to each track as the track information includes information of emp, data, nocopyright, and audio_ch, as shown in FIG. 7, for example (§ 0169 – 0170) wherein the disk/track information file (disc.inf) interpreted as database file; and the disk /track information clearly encompasses supplementary data corresponding to contents data; and thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (§ 0184).

As per claim 7, Ogiyara et al. discloses "a reproducing apparatus, comprising"

"readout means for reading out supplementary data stored in a contents file from a recording medium having recorded thereon said contents file and a database file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data; and" as cited herein *ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing such for example as reproduction and editing to be performed (¶ 0191) wherein audio data referred as contents data; and at a next step S103, whether the track specified for ripping by the user operation is allowed to be copied is determined on the basis of contents of the disk/track information file (disc.inf) read at the step S102 (¶ 0196).*

"outputting means for outputting the supplementary data, included in said contents file, read out by said readout means" as cited herein *the file attribute processing part 502 of the audio CD file system 213 shown in FIG. 5D is a processing part for obtaining the attribute information in response to the request to obtain the attribute information. Specifically, the file attribute processing part 502 outputs to the CD-ROM driver 221 a control command (CD-ROM read toc) to read the TOC required to obtain the attribute information from the CD-DA, as described as the step (2) in FIG.*

4 (¶ 0137); after the mount processing is performed as described above, the readout processing part 503 of the audio CD file system 213 shown in FIG. 5F performs readout processing in response to readout processing from the system side shown in FIG. 5E, whereby audio data in a unit of a track can be read from the CD-DA (¶ 0142); and the audio-only file system according to the present invention functions to read disk-related information (TOC) from an audio-only disk-shaped recording medium and generate a disk-related information file having contents as additional information related to the audio-only disk-shaped recording medium. By referring to the disk-related information file, the application software operating on the audio-only disk-shaped recording medium can for example properly read (or write) data and process the read data and perform such processing at a higher level (¶ 0235 – 0236).

As per claim 8, Ogihara et al. discloses “the reproducing apparatus according to claim 7, further comprising reproducing means for said contents data, wherein said readout means reads out the contents data included in said contents file, and said reproducing means reproduces the contents data read out from said readout means” as cited herein *ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing*

such for example as reproduction and editing to be performed (§ 0191) wherein audio data referred as contents data; and at the step S104, processing for subjecting the audio data of the specified track read from the CD-DA to data compression according to a predetermined format as required, transferring the audio data to the HDD 21, and writing the audio data as an audio file to the HDD 21 is also started (§ 0202).

As per claim 9, Ogihara et al. discloses "a reproducing apparatus comprising"
"readout means for reading out supplementary data stored in a database file, from a recording medium having recorded thereon a contents file and said database file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data; and" as cited herein *thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (§ 0184); ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing such for example as reproduction and editing to be performed (§ 0191) wherein audio data referred as*

contents data; and *at a next step S103, whether the track specified for ripping by the user operation is allowed to be copied is determined on the basis of contents of the disk/track information file (disc.inf) read at the step S102 (¶ 0196).*

“outputting means for outputting the supplementary data, including in said database file, read out by said readout means” as cited herein thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (¶ 0184); the file attribute processing part 502 of the audio CD file system 213 shown in FIG. 5D is a processing part for obtaining the attribute information in response to the request to obtain the attribute information. Specifically, the file attribute processing part 502 outputs to the CD-ROM driver 221 a control command (CD-ROM read toc) to read the TOC required to obtain the attribute information from the CD-DA, as described as the step (2) in FIG. 4 (¶ 0137); and after the mount processing is performed as described above, the readout processing part 503 of the audio CD file system 213 shown in FIG. 5F performs readout processing in response to readout processing from the system side shown in FIG. 5E, whereby audio data in a unit of a track can be read from the CD-DA (¶ 0142).

As per claim 10, Ogihara et al. discloses “the reproducing apparatus according to claim 9, further comprising reproducing means for said contents data, wherein said readout means reads out the contents data included in said contents file, and said

reproducing means reproduces the contents data read out from said readout means" as cited herein *ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing such for example as reproduction and editing to be performed (§¶ 0191) wherein audio data referred as contents data; and at the step S104, processing for subjecting the audio data of the specified track read from the CD-DA to data compression according to a predetermined format as required, transferring the audio data to the HDD 21, and writing the audio data as an audio file to the HDD 21 is also started (§¶ 0202).*

As per claim 11, Ogiwara et al. discloses "the reproducing apparatus according to claim 9, wherein a plurality of the contents data are recorded on said recording medium; said outputting means forms said supplementary data into a list and displays the resulting list; and the reproducing apparatus further comprises selecting means for selectively reading out at least one of said supplementary data displayed on said outputting means, the contents data corresponding to the supplementary data selected being read out from said recording medium and reproduced" as cited herein *when the CPU 11 supplies a display processing unit 16 with display information in accordance with various operation states, input states, and communication states, the display*

processing unit 16 makes the display monitor 17 perform display operation on the basis of the supplied display data. In the case of the present embodiment, for example, the display monitor 17 displays a GUI screen for managing and reproducing an audio file according to a program of a ripping application as application software for reproducing and managing ripped audio files (¶ 0041 – 0042).

As per **claim 12**, Ogihara et al. discloses “a reproducing apparatus comprising”
“readout means for selectively reading out, from a recording medium having recorded thereon a contents file and a database file, supplementary data included in said contents file and the supplementary data included in said database file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data; and” as cited herein *thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (¶ 0184); ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing such for example*

as reproduction and editing to be performed (§ 0191) wherein audio data referred as contents data; and at a next step S103, whether the track specified for ripping by the user operation is allowed to be copied is determined on the basis of contents of the disk/track information file (disc.inf) read at the step S102 (§ 0196).

"outputting means for outputting the supplementary data read out by said readout means" as cited herein thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (§ 0184); the file attribute processing part 502 of the audio CD file system 213 shown in FIG. 5D is a processing part for obtaining the attribute information in response to the request to obtain the attribute information. Specifically, the file attribute processing part 502 outputs to the CD-ROM driver 221 a control command (CD-ROM read toc) to read the TOC required to obtain the attribute information from the CD-DA, as described as the step (2) in FIG. 4 (§ 0137); after the mount processing is performed as described above, the readout processing part 503 of the audio CD file system 213 shown in FIG. 5F performs readout processing in response to readout processing from the system side shown in FIG. 5E, whereby audio data in a unit of a track can be read from the CD-DA (§ 0142); and the audio-only file system according to the present invention functions to read disk-related information (TOC) from an audio-only disk-shaped recording medium and generate a disk-related information file having contents as additional information related to the audio-only disk-shaped recording medium. By referring to the disk-related information

file, the application software operating on the audio-only disk-shaped recording medium can for example properly read (or write) data and process the read data and perform such processing at a higher level (§ 0235 – 0236).

As per **claim 13**, Ogihara et al. discloses “the reproducing apparatus according to claim 12, further comprising reproducing means for said contents data, wherein said readout means also reads out contents data included in said contents file, and said reproducing means reproduces the contents data read out from said readout means” as cited herein *ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing such for example as reproduction and editing to be performed (§ 0191) wherein audio data referred as contents data; and at the step S104, processing for subjecting the audio data of the specified track read from the CD-DA to data compression according to a predetermined format as required, transferring the audio data to the HDD 21, and writing the audio data as an audio file to the HDD 21 is also started (§ 0202).*

As per **claim 14**, Ogihara et al. discloses “the reproducing apparatus according to claim 12, wherein a plurality of the contents data are recorded on said recording

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medium; said outputting means forms said supplementary data into a list and displays the resulting list; and the reproducing apparatus further comprises selecting means for selectively reading out at least one of said supplementary data displayed on said outputting means, the contents data corresponding to the supplementary data selected being read out from said recording medium and reproduced' as cited herein *when the CPU 11 supplies a display processing unit 16 with display information in accordance with various operation states, input states, and communication states, the display processing unit 16 makes the display monitor 17 perform display operation on the basis of the supplied display data. In the case of the present embodiment, for example, the display monitor 17 displays a GUI screen for managing and reproducing an audio file according to a program of a ripping application as application software for reproducing and managing ripped audio files (¶ 0041 – 0042).*

As per claim 15, Ogihara et al. discloses “a recording apparatus, comprising:”

“a recording unit configured to record, on a predetermined recording medium, a contents file and a database file,” as cited herein *FIG. 6* wherein the audio data file interpreted as a contents file; and the disk/track information file (disc.inf) interpreted as a database file.

“said contents file including contents data and supplementary data corresponding to said contents data, and” as cited herein *FIG. 6 shows presence of a total of 14 audio data files in correspondence with the fact that 14 tracks corresponding to 14 musical pieces are recorded on the CD-DA. Each of the 14 audio data files corresponds to the*

entity of audio data in a unit of a track recorded on the CD-DA (§ 0153) wherein the audio data file interpreted as contents file; and each of the audio data files is provided with a file name corresponding to a track number recorded on the CD-DA, such as a file name of track01.cda to track14.cda, for example. List items of the audio data files show data size as an attribute. Hence, the file name and the data size of each audio data file are known by referring to the list item of the audio data file (§ 0155) wherein the file name and the data size of the audio data file clearly encompasses the supplementary data corresponding to said contents data.

"said database file including said supplementary data corresponding to said contents data" as cited herein as shown in FIG. 7, the contents of the disk/track information file (disc.inf) are roughly divided into disk information and track information. The disk information is an area for storing information on the data as a whole recorded on the CD-DA. In the area, ftno or information indicating a first track number and ltno or information indicating a last track number are stored, each having a predetermined data size (§ 0160 – 0161); the track information is an area for storing required additional information on each audio track file. The directory information shown in FIG. 6 is related to the CD-DA having 14 tracks recorded thereon, and there are 14 files track01.cda to track14.cda present as audio data files. The track information shown in FIG. 7 correspondingly includes information of each of track01 to track14. Information of each audio data file corresponding to each track as the track information includes information of emp, data, nocopyright, and audio_ch, as shown in FIG. 7, for example (§ 0169 – 0170) wherein the disk/track information file (disc.inf) interpreted as database file; and

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the disk /track information clearly encompasses supplementary data corresponding to contents data; and *thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (¶ 0184).*

As per **claim 16**, Ogiwara et al. discloses "a reproducing apparatus, comprising"
"a readout unit configured to read out supplementary data stored in a contents file from a recording medium having recorded thereon said contents file and a database file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data; and" as cited herein *ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing such for example as reproduction and editing to be performed (¶ 0191) wherein audio data referred as contents data; and at a next step S103, whether the track specified for ripping by the user operation is allowed to be copied is determined on the basis of contents of the disk/track information file (disc.inf) read at the step S102 (¶ 0196).*

"an outputting unit configured to output the supplementary data, included in said contents file, read out by said readout unit" as cited herein *the file attribute processing part 502 of the audio CD file system 213 shown in FIG. 5D is a processing part for obtaining the attribute information in response to the request to obtain the attribute information. Specifically, the file attribute processing part 502 outputs to the CD-ROM driver 221 a control command (CD-ROM read toc) to read the TOC required to obtain the attribute information from the CD-DA, as described as the step (2) in FIG. 4 (¶ 0137); after the mount processing is performed as described above, the readout processing part 503 of the audio CD file system 213 shown in FIG. 5F performs readout processing in response to readout processing from the system side shown in FIG. 5E, whereby audio data in a unit of a track can be read from the CD-DA (¶ 0142); and the audio-only file system according to the present invention functions to read disk-related information (TOC) from an audio-only disk-shaped recording medium and generate a disk-related information file having contents as additional information related to the audio-only disk-shaped recording medium. By referring to the disk-related information file, the application software operating on the audio-only disk-shaped recording medium can for example properly read (or write) data and process the read data and perform such processing at a higher level (¶ 0235 – 0236).*

As per claim 17, Ogihara et al. discloses "a reproducing apparatus comprising"
"a readout unit configured to read out supplementary data stored in a database
file, from a recording medium having recorded thereon a contents file and said database

file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data; and" as cited herein *thus*, by reading and referring to the disk/track information file (*disc.inf*), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (*disc.inf*), more advanced file manipulation can be realized (¶ 0184); ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing such for example as reproduction and editing to be performed (¶ 0191) wherein audio data referred as contents data; and at a next step S103, whether the track specified for ripping by the user operation is allowed to be copied is determined on the basis of contents of the disk/track information file (*disc.inf*) read at the step S102 (¶ 0196).

"an outputting unit configured to output the supplementary data, included in said database file, read out by said readout unit" as cited herein *thus*, by reading and referring to the disk/track information file (*disc.inf*), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (*disc.inf*), more advanced file manipulation can be realized (¶ 0184); the file attribute processing part 502 of the audio CD file system 213

shown in FIG. 5D is a processing part for obtaining the attribute information in response to the request to obtain the attribute information. Specifically, the file attribute processing part 502 outputs to the CD-ROM driver 221 a control command (CD-ROM read toc) to read the TOC required to obtain the attribute information from the CD-DA, as described as the step (2) in FIG. 4 (¶ 0137); and after the mount processing is performed as described above, the readout processing part 503 of the audio CD file system 213 shown in FIG. 5F performs readout processing in response to readout processing from the system side shown in FIG. 5E, whereby audio data in a unit of a track can be read from the CD-DA (¶ 0142).

As per claim 18, Ogihara et al. discloses "a reproducing apparatus comprising" "a readout unit configured to selectively read out, from a recording medium having recorded thereon a contents file and a database file, supplementary data included in said contents file and the supplementary data included in said database file, said contents file including contents data and said supplementary data corresponding to said contents data, and said database file including said supplementary data corresponding to said contents data; and" as cited herein *thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (¶ 0184); ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio*

data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing such for example as reproduction and editing to be performed (§ 0191) wherein audio data referred as contents data; and at a next step S103, whether the track specified for ripping by the user operation is allowed to be copied is determined on the basis of contents of the disk/track information file (disc.inf) read at the step S102 (§ 0196).

"an outputting unit configured to output the supplementary data read out by said readout unit" as cited herein thus, by reading and referring to the disk/track information file (disc.inf), the application layer 100 side can properly manipulate the audio data files for the CD-DA. Further, depending on contents of the disk/track information file (disc.inf), more advanced file manipulation can be realized (§ 0184); the file attribute processing part 502 of the audio CD file system 213 shown in FIG. 5D is a processing part for obtaining the attribute information in response to the request to obtain the attribute information. Specifically, the file attribute processing part 502 outputs to the CD-ROM driver 221 a control command (CD-ROM read toc) to read the TOC required to obtain the attribute information from the CD-DA, as described as the step (2) in FIG. 4 (§ 0137); after the mount processing is performed as described above, the readout processing part 503 of the audio CD file system 213 shown in FIG. 5F performs readout processing in response to readout processing from the system side shown in FIG. 5E, whereby audio data in a unit of a track can be read from the CD-DA (§ 0142); and the

audio-only file system according to the present invention functions to read disk-related information (TOC) from an audio-only disk-shaped recording medium and generate a disk-related information file having contents as additional information related to the audio-only disk-shaped recording medium. By referring to the disk-related information file, the application software operating on the audio-only disk-shaped recording medium can for example properly read (or write) data and process the read data and perform such processing at a higher level (§¶ 0235 – 0236).

7. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogihara et al. in view of Fukuda, and further in view of Yodo (US Pub No. 2001/0047317 A1).

As per **claim 3**, Ogihara et al. discloses “the computer-readable storage medium according to claim 1, wherein said contents data includes digital audio data, and ” as cited herein *FIG. 6 shows presence of a total of 14 audio data files in correspondence with the fact that 14 tracks corresponding to 14 musical pieces are recorded on the CD-DA. Each of the 14 audio data files corresponds to the entity of audio data in a unit of a track recorded on the CD-DA (§¶ 0153)* “said supplementary data includes data of a title, an artist's name, and an album name,” as cited herein *is well known, sub-code is inserted and recorded on a CD-DA together with digital audio data. Text data can be inserted as information to be stored in a sub-coding frame including the sub-code. This data is so-called CD-text information and includes data that it is considered appropriate*

to present by text according to recorded contents of the CD-DA, such for example as an album name of the CD-DA, a name of an artist, and a title name of each track (¶ 0187).

Ogihara et al. and Fukuda do not explicitly disclose “the data of said title, said data of the artist's name, and said data of the album name are stored in respective different database files”. However, Yodo discloses as cited herein *FIG. 5 shows the state where n music albums are recorded on the HDD 15. Management files AL (AL1 to AL(n)) corresponding to the respective albums are formed. Music tunes recorded on each album are stores as audio files, while corresponding to the management file AL (¶ 0100); and the management file AL(*) includes various kinds of management information related to the corresponding one or plural audio files and related information files, and is used for reproduction, shift, duplication and editing of each audio file and related information file. For example, the management file AL1 contains management information for the whole group of files constituting a certain album, management information related to the respective audio files AL1-M1, AL1-M2, AL1-M3, . . . , and management information related to the related information file AL1ad (¶ 0104).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Yodo teaching of information communicating between an distribution/accounting center and a recording/reproducing device into Ogihara et al. and Fukuda systems in order to provide information to be used in the recording and/or reproducing device (Yodo, ¶ 0028 lines 8-9).

Conclusion

8. The following prior art made of record on form PTO-892 and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.059(c)**.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bai D. Vu whose telephone number is 571-270-1751. The examiner can normally be reached on Mon - Fri 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bai D Vu/
Examiner, Art Unit 2165

/Cam Y Truong/
Primary Examiner, Art Unit 2162
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